Terry Tamminen
Agency Secretary

Air Resources Board

Alan C. Lloyd, Ph.D.
Chairman
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Arnold Schwarzenegger
Governor

MEMORANDUM

TO: Mr. Charles Keene
Environmental Project Manager
Department of Water Resources

FROM: Ms. Cynthia Marvin, Chief
Air Quality and Transportation
Planning Branch

DATE: April 15, 2004

SUBJECT: SALTON SEA RESTORATION PROJECT NOTICE OF PREPARATION

We are providing the Air Resources Board (ARB) staff's comments on the Notice of Preparation of a Programmatic Environmental Impact Report for the Restoration of the Salton Sea Ecosystem and Preservation of its Fish and Wildlife Resources.

The Notice of Preparation (NOP) identifies air quality emissions as one likely impact of a restoration project, and specifies that the Programmatic Environmental Impact Report (PEIR) will estimate the amount of new pollutant emissions associated with proposed actions. The level of emissions projected for each alternative is only one aspect of addressing the air quality impacts. The bigger question is whether the alternatives under consideration will cause the pollution levels in the ambient air to reach levels that are detrimental to human health or the environment. This memo discusses some of the specific air quality considerations that should be addressed in the PEIR.

Impact On Attainment Of Federal Standards The Salton Sea is surrounded by the Coachella Valley in the north and Imperial County in the south. Each of these areas is in violation of federal standards for inhalable particulate matter (PM10) and ozone (both the one-hour and eight-hour standards).

The South Coast Air Quality Management District (SCAQMD) and the Imperial County Air Pollution Control District (ICAPCD) are the local air quality agencies for the Coachella Valley and Imperial County, respectively. Because these areas violate health-based federal standards, each district has adopted one or more plans demonstrating how State, local, and national controls will reduce existing and anticipated emissions sufficiently to meet these standards by the deadlines in the federal Clean Air Act. The PEIR should address the impact that each proposed

alternative would have on the frequency and severity of violations of the federal PM10 and ozone standards, and on each district's ability to attain and maintain these standards. Although these areas currently meet the federal fine particulate (PM2.5) standards, additional emissions from the dry lakebed could contribute to future violations. The PEIR should evaluate this potential impact as well.

Federal Conformity Because the Salton Sea is within federal air quality nonattainment areas, general conformity requirements may also apply. The federal conformity process is designed to ensure that no project funded or permitted by a federal agency will interfere with the approved State Implementation Plan (SIP) for meeting federal air quality goals. If required, a general conformity determination would involve comparing the increased particulate emissions estimated to occur with the project to the de minimus threshold in U.S. Environmental Protection Agency's regulation and with the future emissions level projected in the SIP.

Toxic Air Contaminants The Salton Sea has long served as a sink for water runoff, so the possibility that particulate emissions from the lakebed might include a toxic component should also be considered.

State Particulate Matter Standards California's health-based standards for PM10 (24-hour average and annual average) are more health protective than the corresponding federal standards. The same is true of State's annual average standard for fine particulate matter (PM2.5), a subset of PM10. Coachella Valley and a portion of Imperial County violate the State standards for both PM10 and PM2.5. Air districts are required to work towards reducing emissions to attain these standards by the earliest practicable date. The PEIR should address the impacts that each alternative might have on the ability to meet the State PM10 and PM2.5 standards in the region.

Mitigation Strategies Accurate emission inventories, air quality data, and meteorological data are needed for the air quality models used to predict air quality impacts. Since the lakebed is likely to have unique emissions characteristics, additional work may be needed to develop emission projections for this source. The PEIR should address the adequacy of existing emissions data and include a plan for filling data gaps. The air quality monitoring network in this area is designed primarily to measure air quality in populated areas, so supplemental monitoring may be needed to establish a baseline of air quality impacts from the Salton Sea in its current state, and to estimate restoration plan impacts. The PEIR should also consider the need to collect additional meteorological data for these assessments.

If you have questions, please call me at (916) 322-7236, or contact Ms. Sylvia Oey, Manager, Southern California Liaison Section, at (916) 322-8279.

cc: Mr. James George Giannopoulos, Chief
Groundwater Quality Branch
Division of Water Quality
State Water Resources Control Board

Ms. Sylvia Oey
Air Resources Board

STATE OF CALIFORNIA
ARNOLD SCHWARZENEGGER, Governor

DEPARTMENT OF FOOD AND AGRICULTURE
A.G. KAWAMURA, Secretary

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1220 N Street, Room A-464
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April 16, 2004

Mr. Charles Keene
California Department of Water Resources
770 Fairmont Avenue
Glendale, CA 91203

Dear Mr. Keene:

Subject: Notice of Preparation (NOP) of a Draft Programmatic Environmental Impact Report (DPEIR) for the Restoration of the Salton Sea Ecosystem and Preservation of its Fish and Wildlife Resources- **SCH #2004021120**

The California Department of Food and Agriculture (Department) has reviewed the NOP for the proposed Salton Sea restoration and preservation project. The Department's mission is to protect and promote California agriculture, including the natural resources upon which agriculture depends. With this mission in mind, we offer the following suggestions for your preparation of the DPEIR.

The proposed project is to identify a preferred alternative for restoring the Salton Sea ecosystem and protecting its fish and wildlife. The project calls for restoration of the aquatic and shoreline for historic levels and diversity of fish and wildlife; elimination of air quality impacts from restoration; and, protection of water quality. Among the barriers to restoration that will be analyzed and addressed by the DPEIR will be the loss of water flows to the Sea, which could include agricultural drainage water.

Agricultural Resources

The NOP identifies potentially significant environmental impacts on agricultural resources and states that the DPEIR will analyze project alternatives for these potential impacts. We recommend that both the direct and indirect impacts on agricultural resources be analyzed, and as necessary, mitigation measures considered. Specifically, if the project will result in the fallowing or retirement of agricultural lands within the Sea's watershed, to free water for restoration work, we request that the short and long-term impacts on agricultural resources be analyzed. These impacts should include not only the loss of agricultural land, but the loss in regional agricultural infrastructure needed to support continuing agricultural production. Such infrastructure includes drainage collection and conveyance, local agricultural processors and suppliers and labor. While impacts on agricultural infrastructure are not, in themselves, environmental impacts subject to CEQA, the impairment of this infrastructure will adversely affect the agricultural use of affected lands, which is subject to CEQA analysis.

Among the mitigation measures that should be considered to address the loss of agricultural resources, if this impact is identified as significant, should be avoidance. In other words, where land retirement is contemplated as part of the restoration strategy, the strategic retirement of less productive or more environmentally constrained soils should be retired preferentially.

An additional aspect of a strategic retirement/fallowing program could be the use of state and federal habitat enhancement programs and funds to establish habitat on marginal agricultural lands to not only free up water for the Salton Sea, but to create additional upland habitat for wildlife and recreation (e.g., hunting) as part of a working landscape. The USDA Natural Resources Conservation Service (NRCS) offers a number of programs that could be used to support this alternative strategy.

In land retirement or fallowing is considered, that action's impact on air quality should be considered. This is an agricultural sustainability issue in that highly erodible lands (HEL), as defined by the NRCS are subject special restrictions under provisions of the USDA Farm Bill's commodity and conservation titles. Imperial Valley farmers grow a number of USDA commodity crops for which support payments are made. However, if lands growing these crops are classified as highly erodible, their retirement could trigger loss of support payments unless the retirement is done under a qualified NRCS approved farm conservation plan. Mitigation for both the loss of soil and air quality, as well as loss of agricultural income support, would be appropriately addressed through conditional retirement or fallowing, the condition being the development and implementation of an approved conservation plan. It is possible that this could be facilitated through the establishment of a Valley-wide Conservation Reserve Enhancement Program, a provision of the USDA Farm Bill's conservation provisions.

Project Alternatives

We recommend that among the project alternatives considered is one that relies on agriculture as a producer of energy with which to power desalination. Growers in the Imperial Valley are experimenting with the production of sugar cane, for example, that could be used to generate electricity directly or indirectly through the production of ethanol. Use of this energy source could at least partially offset the project's impacts on agriculture by providing a new market for agricultural crops which can make sure of poorer quality soils. The power generated could be provided to San Diego to power desalination there, resulting on a reduced reliance on Colorado River water and freeing water for the Salton Sea restoration. Alternatively, desalination of the Salton Sea could provide fresh water in lieu of agricultural drainage.

Thank you for the opportunity to comment on the NOP. We look forward to reviewing the DPEIR. In the meantime, if you have questions on our comments or require technical assistance in addressing our comments, please call me at (916) 657-4956.

Sincerely,

Steve Shaffer
Director, Office of Agriculture and Environmental Policy

cc: Stephen L. Birdsall
Agricultural Commissioner
Imperial County

DEPARTMENT OF TRANSPORTATION
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Flex your power!
Be energy efficient!

March 16, 2004

Mr. Charles Keene
Department of Water Resources
770 Fairmont Avenue
Glendale, CA 91203

11-IMP-111
PM VAR.
(K.P. VAR)

Dear Mr. Keene:

NOP for the Salton Sea Ecosystem Restoration Project SCH 2004021120

The California Department of Transportation (Department) comments are as follows:

General

- Any work performed within the Department's right of way will require an encroachment permit. For those portions of the project within the Department's right of way, the permit application must be stated in both Metric and English units (Metric first, with English in parentheses). Additional information regarding encroachment permits may be obtained by contacting our Permits Office at (619) 688-6158. Early coordination with our agency is strongly advised for all encroachment permits.

- Furthermore, if a developer proposes any work improvements within the Department's right of way, the project's environmental studies should include such work. The Final EIR would be used as the basis for the encroachment permit, therefore, it should address all impacts to resources within Department right of way. Impact inventories should be provided for all types of impacts within Department right of way, but especially biological resources, visual/aesthetic resources, water quality, and hazardous materials, and should include details of mitigation measures proposed. The developer is responsible for quantifying the environmental impacts of the improvements (project level analysis) and completing all appropriate mitigation measures for the impacts. The indirect effects of any mitigation within the Department right of way must also be addressed. The developer will also be responsible for procuring any necessary permits or approvals from the regulatory and resources agencies for the improvements.

- Any tunneling under and/or adjacent to any state highway facility will require review by the Department's Structural Division during the encroachment permit process.

Traffic

- All work proposed within the Department right of way requires lane and shoulder closure charts. Request the charts from the District Traffic Manager, Camille Abou-Fadel, at (858) 467-4328.

- Traffic control plans are required prior to construction for a complete review. The plans shall be in accordance with the Department's Manual of Traffic Controls for Construction and Maintenance Work Zones [1996 (Revision 2) edition]. Pedestrian and possibly bicycle detours/traffic restrictions also need to be addressed.

- All roadway features (signs, pavement delineation, roadway surface, etc.) within Department right of way must be protected, maintained in a temporary condition, or restored.

Our contact person for this project is Lu Salazar of my staff at (619) 688-3140.

Sincerely,

L. Salazar

for MARIO H. ORSO, Chief
Development Review Branch

California Regional Water Quality Control Board
Colorado River Basin Region

Terry Tamminen
Secretary for Environmental Protection

73-720 Fred Waring Drive, Suite 100, Palm Desert, California 92260
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http://www.swrcb.ca.gov/rwqcb7

Arnold Schwarzenegger
Governor

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, visit our website.

April 6, 2004

Charles Keene
Department of Water Resources
770 Fairmont Avenue
Glendale, CA 91203

RE: SALTON SEA ECOSYSTEM RESTORATION PROJECT (SCH# 2004021120)

Dear Mr. Keene:

We have reviewed and appreciate the opportunity to provide written comments on the subject NOP. Regional Board staff already provided you with preliminary comments during the March 2004 scoping meetings in Coachella and El Centro. This letter builds upon our scoping meeting comments.

BACKGROUND

Pursuant to the Quantification Settlement Agreement (QSA) implementing legislation (SB 277 (Ducheny), SB 317 (Kuehl), and SB 654 (Machado)), the California Department of Water Resources (DWR) and the California Department of Fish and Game (DFG) are preparing a Programmatic Environmental Impact Report (PEIR) with a preferred alternative for restoration of the Salton Sea ecosystem and preservation of its fish and wildlife resources. Further, the legislation requires that the PEIR be completed by December 2006 and that its preferred alternative provide for the maximum attainment of the following objectives:

1. Restoration of long-term stable aquatic and shoreline habitat for the historic levels and diversity of fish and wildlife that depend on the Salton Sea;
2. Elimination of air quality impacts from the restoration projects; and
3. Protection of water quality.

COMMENTS

The PEIR should address the following issues:

1. Potential conflicts and associated impacts between the PEIR's objectives and the restoration objectives prescribed in the Salton Sea Reclamation Act of 1998 (PL 105-372);
2. To the degree to which a preferred alternative may result in the removal/elimination of an "Existing" beneficial use of the Salton Sea, how the alternative may conflict with Part 131 et seq., of Tile 40 Code of Federal Regulation regarding removal of "Existing" uses; and with the water quality standards that the Water Quality Control Plan (Basin Plan) for the Colorado River Basin Region sets for the Sea and its tributaries.

3. Potential conflicts between the PEIR's objectives/preferred alternative and Section 303(d) of the Clean Water Act regarding Total Maximum Daily Loads for impaired surface waters in the Salton Sea Watershed; and
4. Impacts that current and projected discharges of raw sewage and other partially treated and untreated wastes (e.g., industrial wastes) from Mexico into the Salton Sea via the New River have on the restoration project;
5. Impacts that on-going and projected reductions in flows in the New River at the International Border with Mexico have on restoration efforts;
6. Why should the State spend any resources to restore the environment in Mexico, while discharges of wastes from Mexico continue to make the New River one of the most polluted rivers in the United States; and
7. How State restoration efforts conflict with local restoration efforts, and may result in duplicative efforts and unnecessary expenditure of state resources;

DISCUSSION

Comment 1—The Salton Sea Reclamation Act of 1998 directed the Secretary of Interior to complete all studies of the feasibility and benefit-cost of various options that:

a. permit the continued use of the Salton Sea as a reservoir for irrigation drainage;

b. reduce and stabilize the overall salinity of the Salton Sea; (ii) stabilize the surface elevation of the Salton Sea;

c. reclaim, in the long term, healthy fish and wildlife resources and their habitats; and

d. enhance the potential for recreational uses and economic development of the Salton Sea.

The stated objectives of the PEIR do not address Items "a" and "d" of PL 105-372. We therefore recommend that either (1): the alternatives under the PEIR explicitly address maintaining the Salton Sea as a reservoir for irrigation drainage and enhanced potential for recreational uses and economic development of the Sea; or (2) address the potential significant impacts that not having the Sea as agricultural drainage sump would create for the Sea itself (e.g., significant reduction is size, related impacts on beneficial uses, etc.) and for the farming communities in the Coachella and Imperial Valleys. It would be basically impractical to farm in the Valleys without draining (i.e., flushing) salts and other constituents from the farm fields. This in turn would have significant adverse impacts of statewide significance (e.g., elimination of prime agricultural land and other socioeconomic impacts). Also, regarding Item "d," the mission of the Regional Board is to protect and "enhance" water quality in the Region and ensure that water in the State provides for maximum benefit of current and future generations. Accordingly, we suggest the PEIR not just address water quality protection but also enhancement.

Recognizing that the success (or failure) of a restoration effort hinges on local support and implementation of key elements of the effort, PL 105-372 explicitly directed the U.S. Department of Interior to enter into a Memorandum of Understanding with the State and with

the Salton Sea Authority to establish criteria for evaluation and selection of restoration options. In other words, it provided not just the State, but also perhaps more importantly local agencies with a key role in shaping restoration efforts. While DWR has formed an Advisory Committee pursuant to the QSA legislation, and the Committee includes representatives from several local agencies, its recommendations may or may not shape restoration efforts. We therefore recommend DWR give local agencies a formal key role in shaping restoration efforts to eliminate duplicative efforts and ensure a coordinated approach in addressing the Sea's problems. Attached is Regional Board Resolution R7-2003-0087, which more succinctly makes the case for more local control and participation.

Comment 2—The California Regional Water Quality Control Board, Colorado River Basin Region (Regional Board) is charged by the Division 7 of the California Water Code (Porter-Cologne Water Quality Control Act) with establishing and enforcing water quality standards (WQS) for all waters within its region. The WQS consist of beneficial uses for the waters, water quality objectives to protect those uses, and other water quality control polices (e.g., State Antidegradation Policy, SWRCB Resolution 68-16). Water quality objectives (WQOs) are limits or levels of water quality constituents or characteristics which are established for the reasonable protection of beneficial uses of water or the prevention of nuisance within a specific area. The Clean Water Act [CWA §303] also requires that the State designate beneficial uses for surface waters for protection and propagation of fish, shellfish and wildlife, recreation in and on the water ("fishable/swimmable" goals, CWA §101), use of water for public water supplies, and agricultural, industrial, and navigational purposes [CWA §303]. Pursuant to the CWC and CWA, the Regional Board's Water Quality Control Plan for the Colorado River Basin Region establishes WQS for waters in the Region. A copy of the Basin Plan can be downloaded from http://www.swrcb.ca.gov/rwqcb7/downloads.html. You may also get a copy by contacting our office.

The Basin Plan establishes the following beneficial uses for the Salton Sea:

Table 1: Salton Sea Beneficial Uses	
Wildlife Habitat (Existing Use)	Uses of water that support terrestrial ecosystems including, but not limited to, the preservation and enhancement of terrestrial habitats, vegetation, wildlife (e.g., mammals, birds, reptiles, amphibians, invertebrates), or wildlife water and food sources.
Aquaculture (Existing Use)	Uses of water for aquaculture or mariculture operations including, but not limited to, propagation, cultivation, maintenance, or harvesting of aquatic plants and animals for human consumption or bait purposes.
Industrial Service Supply (Potential Use)	Uses of water for industrial activities that do not depend primarily on water quality including, but not limited to, mining, cooling water supply, hydraulic conveyance, gravel washing, fire protection, and oil well repressurization.
Water Contact Recreation (Existing	Uses of water for recreational activities involving body contact with water, where ingestion of water is

Table 1: Salton Sea Beneficial Uses	
Use)	reasonably possible. These uses include, but are not limited to, swimming, wading, water-skiing, skin and scuba diving, surfing, white water activities, fishing, and use of natural hot springs.
Non-Contact Water Recreation (Existing Use)	Uses of water for recreational activities involving proximity to water, but not normally involving contact with water where ingestion of water is reasonably possible. These uses include, but are not limited to, picnicking, sunbathing, hiking, beachcombing, camping, boating, tidepool and marine life study, hunting, sightseeing, or aesthetic enjoyment in conjunction with the above activities.
Warm Freshwater Habitat (Existing Use)	Uses of water that support warm water ecosystems including, but not limited to, preservation or enhancement of aquatic habitats, vegetation, fish, or wildlife, including invertebrates.
Preservation of Rare, Threatened, or Endangered Species (Existing Use)	Uses of water that support habitats necessary, at least in part, for the survival and successful maintenance of plant or animal species established under state or federal law as rare, threatened or endangered.

The Regional Board may designate additional beneficial uses for a water body through a Basin Plan amendment. It may also remove beneficial use designations under certain circumstances (e.g., human-caused conditions or sources of pollution that cannot be remedied or would cause more environmental damage to correct than to leave in place). In the case of the Salton Sea, however, 40 CFR 131.10 prohibits de-designation of its existing beneficial uses. Use attainment is tied to time and specific body of water (i.e., a body of water with specific hydrogeological attributes). Clearly, a restoration alternative has the potential for "removing" existing uses of the Sea from a particular location by changing the hydrogeological attributes of the Sea (e.g., splitting the Sea in half and using its lower basin for salt disposal and its northern basin as the "restored Sea" would eliminate the habitat in the south). While we are not suggesting that restoration efforts stopped because of the provisions of 40 CFR 131, what we are requesting is that the PEIR recognize this conflict any other which may result in use removal/limitation and provide options for resolving the conflict so as to strike a balance between a restoration alternative and potential use removal.

Comment 3—Under provisions of the CWA and CWC, the Regional Board is responsible for developing and implementing TMDLs for impaired surface waters. Attached is a copy of the Regional Board's approved CWA 303(d) list. In the past three years, three TMDLs in the Salton Sea Watershed were adopted by the Regional Board and approved by the USEPA. The three adopted TMDLs are the Alamo River Silt TMDL, the New River Silt TMDL, and the New River Pathogen TMDL. We are also currently developing the following TMDLs for the Salton Sea Watershed: a silt TMDL for Imperial Valley Agricultural Drains, Pathogen TMDL for the Coachella Valley Storm Drain Channel, nutrient TMDL for the Salton Sea, and a trash TMDL for

the New River. We will also begin work on a VOC TMDL for the New River later this year. Although no negative impacts of TMDLs in the watershed are anticipated, below is a general discussion on the possible impacts of the different TMDLs in the Salton Sea Watershed, organized by pollutant type:

Pathogen: Sources of pathogens in the Salton Sea Watershed will most likely be controlled through widespread implementation of disinfection works for undisinfected sewage sources. The targeted reduction of pathogens are the Basin Plan objectives for bacteria. This type of source control would affect the Restoration Project positively.

Sediment and Pesticide TMDLs: We expect widespread implementation of management practices (MPs) throughout the Salton Sea Transboundary Watershed as a result of these TMDLs. Because tailwater discharged from agricultural fields is the major source of these pollutants, MPs will be aimed at lowering pollutant loads in tailwater. While the sediment TMDLs focus on pesticide-laden sediment, suspended solids in the main tributaries to the Salton Sea (Alamo and New Rivers) serve as a transport mechanism for the non-dissolved forms of phosphorous entering the Sea. Thusly, the sediment TMDLs also provide for a reduction of the nutrient loading that is associated with excess primary production in the Sea. Therefore, implementation of these TMDLs would affect the Restoration Project positively. We project a 40-50% reduction in sediment loading for the Alamo River. A similar or smaller reduction would be projected for the New River.

Nutrient TMDL: The focus of this TMDL will be the to limit nutrients in the tributaries of the Salton Sea. We also expect widespread implementation of structural controls and MPs as a result of this TMDL. We project this will reduce the nutrient loading into the Sea and help mitigate problems associated with eutrophication. However, based on the work conducted by Dr. Hurlbert on nutrient loading into the Salton Sea, and the nutrient mass already accumulated in the Salton Sea, we acknowledge that even under the best scenarios (e.g., achieving 70-80% load reduction) additional controls at the Salton Sea will be required to better manage the eutrophication. We believe the restoration effort should tackle/evaluate options for addressing that additional load reduction. Attached is a copy of staff memorandum addressed to the Authority that discusses, among other things, projected reductions in pollutants as a result of implementation of silt and nutrient TMDLs.

VOCs TMDL: The focus of this TMDL will be to eliminate VOCs in the New River downstream from the International Boundary with Mexico. We expect our Federal government to be a responsible party for implementing the TMDL.

Regarding the salt and selenium impairment of the Salton Sea, we believe that the current regulatory framework (e.g., TMDLs) is unsuited to resolve those impairments because the treatment technology to deal with those impairments is cost-prohibitive for implementation at the field level and because the regulations themselves do not provide for the Board to require those types of treatments. In fact, our belief is that without an engineered solution for the salt impairment—a proper focus of the Restoration Project—the Salton Sea fishery would eventually die and problems at the Sea would only get worse. Selenium comes into the watershed via Colorado River water at 1 to 2 parts per billion (ppb). We understand that the original source of selenium is agricultural return flows from selenium-laden agricultural land substantially in the

State of Colorado. We also understand that the land contributing the selenium is relatively small (about 5,000 acres). Selenium concentrates in the upper soil of irrigated land in Imperial County and is eventually leached in tilewater at concentrations as high as 25 parts per billion (ppb). At this point, we do not believe that cost-effective MPs can be implemented at the field level in the Imperial Valley to eliminate the impairment. We believe that the most effective way of addressing selenium is to control the source in Colorado.

As discussed in our previous comment, a project alternative (e.g., an alternative that relies entirely on the proposed nutrient TMDL to fully address the Sea's euthropication or one that does not address selenium) has potential for significant water quality impacts, as it would conflict with what can actually be achieved through TMDL goals and load allocations. It is therefore critical that the Regional Board and DWR coordinate efforts to ensure ongoing and proposed TMDLs for the priority watershed, which are required by Federal law, continue to move forward. From our end, we are ensuring that our TMDL work complement a potential restoration effort to the maximum extent possible.

Comment 4—Mexicali lacks the necessary sewage infrastructure to handle current and projected flows. A binational sanitation program (a.k.a. Mexicali I and Mexicali II projects) is being implemented to deal with the domestic sewage problem. The objective of these projects is to remove all the untreated sewage from the Mexicali II area from the New River.

The Mexicali I projects focus on renovating the sewage collection system and are expected to be completed late this year. Unfortunately, the Mexicali I projects are not all-inclusive. A comprehensive sewer survey addressing the condition of about 40% of the existing collection system, which is not covered by the Mexicali I projects, is needed to plan for repair/replacement of the sewage pipes in that system. The survey has not been funded. Considering Mexico's track record, coupled with a lack of effective enforcement of binational standards for the New River, it is reasonable to expect that for the foreseeable future discharges of raw sewage from Mexico into the River are likely to continue due to collapsed sewage pipes. As you move into the PEIR process, we should have a better idea as to the magnitude and frequency of discharges of raw sewage from the collection system not covered by the Mexicali I projects.

The Mexicali II projects involve constructing a new wastewater collection and treatment facility, consisting of a 20- million gallon per day (mgd) pumping plant, 26-Km sewer main, and 20-mgd wastewater treatment lagoon system. The Mexicali II projects, however, are significantly behind schedule. The new wastewater treatment facility (a.k.a. "Mexicali II WWTF in Las Arenitas") should be complete by late 2005, early 2006 if everything goes well. In the meantime, Mexico continues to discharge anywhere from 12 to 20 mgd of raw sewage into the New River.

Please note that the Mexicali I and II projects only address the municipal wastes from the City. So, even if the Mexicali I and II projects are successfully completed, operated and maintained, and the other aforementioned domestic spills from collapsed pipes eliminated, the River will continue to be impaired by direct industrial and agricultural waste discharges into the River in Mexico, which make up about 60% of the flow of the River at the Border. Attached is also a staff memorandum addressed to Imperial County staff that discusses this matter. Although the

memorandum is over one-year old, the conclusions regarding New River water quality at the Border still hold.

Comment 5—In recent years, the Mexican Federal Commission of Electricity (CFE) began plans to increase electricity-generation capacity in Baja California to meet regional increases in population and electricity demand. CFE contracted to build and operate a Combined Cycle Thermoelectric Power Plant with a 750-megawatt capacity located west of Mexicali[1]. Two power plants have been built and are operational under this initiative in Mexicali: one is operated by SEMPRA and the other one is operated by Intergen. The power plants use treated and untreated wastewater from the Mexicali Zaragoza wastewater treatment lagoons for cooling purposes. Our records show that Intergen gets anywhere from 200 to 300 liters per second of raw sewage from the lagoons, whereas SEMPRA receives about 200 liters per second of treated wastewater from the lagoons. The combined volume of wastewater going from the lagoons to the power plants amounts to about 11 mgd, but the plants ultimate capacity is projected at 20 mgd. Up to 75-80% (about 8.5 mgd) of the wastewater going to the power plants is loss during power plant operations, which has resulted in decreased flow in the New River at the Border (the average annual flow at the Border was about 154,000 acre-feet-per year before power plant operations). Moreover, these power plants are discharging wastes into New River tributaries with Total Dissolved Solids (TDS) content of 5,000 to 6,000 ppm, a significant concern to this office.

Also, the Mexicali II wastewater treatment plant that is planned for construction in "Las Arenitas" is outside Mexicali. When this wastewater treatment plant is operational, it will also take another 20 mgd of water from the River at the Border. Mexico proposes to discharge the wastewater from this plant to the south of the treatment plant, outside the Salton Sea Transboundary Watershed. On the positive side, it is projected that this would reduce nutrient input into the Sea from Mexico by about 10%.

Comment 6—The New River at the Border with Mexico is probably the most polluted River of its size in the US. The US-Mexican Treaty Minute No. 264 required elimination of all raw sewage discharges by July 1982. Anywhere from 5 to 20 mgd of raw sewage from Mexicali continue to make their way into to US via the New River in spite of Treaty Minute No. 264. Even if one takes the lower 5-mgd figure, **over 41 billion gallons of raw sewage have made its way into the US since Minute Treaty No. 264 was adopted**. For the last 10 years Mexico has discharged and average of 12 mgd of raw sewage into the River. In light of the foregoing, we find it ironic that the State would seriously consider spending resources to improve the Colorado River Delta. We believe revenues generated by the transfer of water from the Imperial Irrigation District to San Diego should be spent on Salton Sea. Short of that, then the New River has a more tangible, quantifiable, and direct water quality impact on Salton Sea than the Colorado River Delta. Therefore, we believe that the state would be better off spending resources on New River cleanup in the US than evaluating restoring the Delta.

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[1] CFE also has plans to increase capacity at the existing Cerro Prieto geothermal power plant in Mexicali and to start commercial operations at the Rosarito 8 and 9 power plants in 2001 (California Regional Water Quality Control Board 2001).

Comment 7—The Salton Sea has been a key player in addressing the Sea's problems. Last year, the Regional Board adopted Resolution No. R7-2003-0087 (attached). The resolution states the Board's belief that a local agency, the Salton Sea Authority, "should remain lead agency for identifying and implementing corrective measures to preserve beneficial uses of the Sea", and that "available funding be directed/redirected to the Salton Sea Authority for remediation efforts specifically related to the Salton Sea."

On a related matter, whereas the legislative directive to the Resources Agency is to put together a PEIR, after much study and debate, the Authority has identified y a project-level alternative that we believe is feasible and significantly improve and stabilize the Sea. We recommend, you include that alterative in your analysis.

We appreciate your consideration to our comments and suggestions. Please call me at (760) 776-8932 if you have any questions about this matter.

JOSE L. ANGEL, P.E.
Watershed protection Division Chief

JLA:jla

Attachements

cc: Celeste Cantu, State Water Resources Control Board, Sacramento
Ricardo Martinez, State Water Resources Control Board, Sacramento
Regional Board members

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION

RESOLUTION NO. R7-2003-0087

SUPPORTING THE SALTON SEA AUTHORITY AS LEAD AGENCY IN IDENTIFYING AND IMPLEMENTING CORRECTIVE MEASURES TO PRESERVE THE BENEFICIAL USES OF THE SALTON SEA

WHEREAS, the California Regional Water Quality Control Board, Colorado River Basin Region (hereinafter Regional Board), finds that:

1. Salton Sea is California's largest inland water body with beneficial uses including fisheries and wildlife habitat, recreation, and preservation of endangered species.

2. The Salton Sea ecosystem is a critical link on the international Pacific flyway. The ecosystem has supported a productive fishery and over 300 species of birds.

3. Salton Sea ecosystems are critical given the decrease in California wetlands.

4. The Sea is threatened by increasing salinity and water loss.

5. The Salton Sea Authority is a joint powers agency chartered by the State of California in a Joint Powers Agreement on June 2, 1993. It is the lead agency for identifying and implementing corrective measures to preserve the beneficial uses of the Sea.

6. The Salton Sea Authority has made a concerted effort to collect all known suggestions for remediation of the Salton Sea and has subjected these proposals to formal review against specified criteria. The Authority also is taking concrete steps in preparing for the detailed planning of a remediation project.

7. Recent legislation linked to the Colorado River Quantification Settlement Agreement recognizes the Salton Sea as a critical environmental issue to be addressed and provides up to $300 million for that purpose.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Salton Sea Authority should remain lead agency for identifying and implementing corrective measures to preserve beneficial uses of the Sea.

2. Available funding be directed/redirected to the Salton Sea Authority for remediation efforts specifically related to the Salton Sea.

I, Phil Gruenberg, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the California Regional Water Quality Control Board, Colorado River Basin Region, on November 5, 2003.

Phil Gruenberg
Executive Officer

CITY OF BRAWLEY

CITY HALL
400 Main Street • Plaza Park
Brawley, California 92227
Phone: (760) 344-9111
FAX: (760) 344-0907

April 16, 2004

Charles Keene
California Department of Water Resources
770 Fairmont Avenue
Glendale, CA 91203

Subject: Notice of Preparation of a Programmatic Environmental Impact Report for the Restoration of the Salton Sea Ecosystem and Preservation of Its Fish and Wildlife Resources

Dear Mr. Keene:

We are pleased to provide our comments on the subject Notice of Preparation.

For the past three years, the City of Brawley, in cooperation with the development partner, Brawley FERC Associates, L.L.C., has been developing the Colorado River Aqueduct Desalination and Salton Sea Water Supply Project (Project). The Project would include a desalination facility on the Colorado River Aqueduct near Chiriaco Summit to reduce concentrations of salinity and other problematic constituents in Colorado River water delivered to Southern California. The Project would include a pipeline/penstock to convey about 45,000 acre-feet per year of 11,000 mg/l desalination process reject water to the Salton Sea. The conveyance system would include two hydro-electric generation facilities to utilize the approximate 1,800 feet of elevation difference between the desalination facility and the Salton Sea.

In April of 2002, the City of Brawley received a Preliminary Permit from the Federal Energy Regulatory Commission for this Project (Permit No. P-12093) and we have been diligently reformulating the Project to address environmental and facility configuration concerns that have been raised by the resource agencies, potential collaborators, and others. We are nearing the selection of a preferred plan and anticipate that FERC will convene Project scoping meetings later this year.

We note that your Notice of Preparation included a section entitled "Actions by Others". We request that the planning and environmental compliance actions taken by the Department of Water Resources include appropriate consideration of the Project as a component of any Salton Sea Ecosystem restoration strategy.

Should you desire additional information on the technical aspects of the Project, please contact Mr. Michael J. Clinton at (702) 255-1536.

Thank you for your consideration of this request.

Sincerely,

Carlos V. Palma
City Manager

cc: Michael J. Clinton, Manager
Brawley FERC Associates, L.L.C.
1500 Pine Leaf Drive
Las Vegas, NV 89144-1661

CORRECTED COPY

150 SOUTH NINTH STREET
EL CENTRO, CA 92243-2850

TELEPHONE: (760) 482-4606
FAX: (760) 353-9904

AIR POLLUTION CONTROL DISTRICT

April 13, 2004

Mr. Charles Keene
California Department of Water Resources
770 Fairmont Ave.
Glendale, CA. 91203

RE: Response to the Department of Water Resources's (DWR) Notice of Preparation (NOP) of an Programmatic Environmental Impact Report (PEIR) for the Restoration of the Salton Sea Ecosystem and Preservation of its Fish and Wildlife Resources.

Dear Mr. Keene:

The Imperial County Air Pollution Control District (ICAPCD) reviewed the NOP for the preparation of a Programmatic Environmental Impact Report (PEIR) for the restoration of the Salton Sea Ecosystem and Preservation of its Fish and Wildlife Resources. As an initial matter, ICAPCD was not provided with actual notice nor a copy of this document. ICAPCD obtained a copy of the NOP by downloading off the Internet after hearing of the notice through a third party. The ICAPCD, which is the designated regulatory authority over all actual and potential "stationary" sources of air contaminants in Imperial County, did not receive the required formal notice from either of the co-lead State agencies - DWR or Department of Fish and Game (DFG). (Under the CEQA guidelines, ICAPCD is a Responsible Agency and as such is required to be formally noticed in this action and subsequent related actions.) It is not clear whether our "constructive notice" is adequate to meet the legal requirements. The ICAPCD formally requests to be added to the contact list for this project.

The following are some concerns that ICAPCD would like to see addressed in the PEIR:

1) Acknowledgment that the ICAPCD is the local authority over air pollution matters that take place in the Imperial County portion of the Salton Sea Air Basin;

2) Recognition that as the local authority over air pollution matters, implementation of certain actions associated with this project may require coordination, permitting and/or pre- approval by the ICAPCD;

3) In-depth listing of all potential air pollution impacts associated with this project and a complete listing of all proposed mitigation measures that will address and mitigate those impacts to the satisfaction of the ICAPCD;

4) ICAPCD will certainly have fiscal impacts associated with this project and a detailed mechanism is needed by which the ICAPCD shall be compensated for such increased costs. These may include, but are not limited to, planning efforts, monitoring, rule development, enforcement, etc; and,

5) A complete evaluation of this project, with detailed and specific mitigation measures, which will not conflict with or obstruct implementation of the ICAPCD air quality State Implementation Plan (SIP). It is critical the project proponents clearly demonstrate that the project will not violate any air quality standard or contribute to an existing or projected air quality violation, and will not result in a cumulatively considerable net increase of any criteria pollutants which Imperial County is considered non-attainment under an applicable federal or state ambient air quality standard.

ICAPCD is eager to review the draft PEIR and looks forward to a cooperative review process with all associated agencies. Of course, the sooner we can review any draft materials, the greater the likelihood that unforeseen issues can be addressed in the development process of the project.

6) Ensure that SB 654 funds be dedicated to air quality monitoring and regulations.

Sincerely,

Stephen L. Birdsall
Air Pollution Control Officer

cc: Imperial County Air Pollution Control Board of Directors
Ralph Cordova, County Counsel
Jurg Heuberger, Planning Director

PLANNING/BUILDING DEPARTMENT
IMPERIAL COUNTY

PLANNING / BUILDING INSPECTION / PLANNING COMMISSION / A.L.U.C.

JURG HEUBERGER, AICP,CEP
PLANNING/BUILDING DIRECTOR

CERTIFIED MAIL #7003 0500 0003 2515 8258

April 13, 2004

Charles Keene
CA Department of Water Resources
770 Fairmont Avenue
Glendale, CA 91203

SUBJECT: Response to the "Notice of Preparation" on the Programmatic EIR for the Restoration of the Salton Sea Ecosystem/Resources

Dear Mr. Keene:

The County of Imperial has reviewed the above "Notice of Preparation (NOP)" for the preparation of the Programmatic Environmental Impact Report (PEIR) for the restoration of the Salton Sea ecosystem and the preservation of its fish and wildlife resources pursuant to the Quantification Settlement Agreement implementing legislation. The proposed environmental document is to be prepared by two co-lead State agencies under the California Environmental Quality Act (CEQA), i.e. the California Department of Water Resources and the California Department of Fish and Game.

Please explain who and how there can be two State co-lead agencies for the above project. The law under CEQA requires a single "lead agency" and in this case there are two proposed "co-lead agencies". Since both agencies share the vital interests of restoring and preserving the Salton Sea, perhaps the "lead agency" should be the California Secretary of Resources.

The Salton Sea and its surrounding area is approximately two-thirds (2/3) within Imperial County. As provided below, as the local land use authority having a significant responsibility to carry out some of the provisions of restoring and preserving this unique resource, the County wishes to be recognized as a CEQA "responsible agency" requiring not only direct notice but also all future notices from the State.

The County of Imperial's General Plan and its Elements have various policies and provisions that are germane to the restoration and preservation of the Salton Sea. A diskette of the County's General Plan is being sent as an attachment to this correspondence.

939 MAIN STREET, SUITE B-1, EL CENTRO, CA 92243 - 2856 (760) 482-4236 FAX (760) 353-8338
E-MAIL planning@imperialcounty.net plan98@imperialcounty.net (AN EQUAL OPPORTUNITY EMPLOYER)

This PEIR and the implementation of any approved mitigation measures should be developed to avoid inconsistencies or conflict with the General Plan policies. If there are conflicts, this may produce a mandatory finding of an unmitigated adverse effect on the County. This could require a revision based on the State's implementation of the approved mitigation measures for the restoration and maintenance of the Salton Sea and its ecosystem. For example, a number of land use concerns would need to be reviewed and possibly amended in the County's Land Use Element, the Conservation/Open Space Element, the Water Element, the Agricultural Element, the Geothermal/Transmission Element and the 1998 Land Use Ordinance regarding water, future potential water transfers, agricultural impacts, restoration of wildlife habitat, federal designation of certain areas as a "Habitat Conservation Plan", flooding, growth inducing impacts, and socio-economic impacts, to name a few.

This, if so necessitated, is a burden both in time and costs that must be mitigated by the proponents.

The NOP states that the local government comments must be received "within 30 days", e.g. by the deadline of ***April 16, 2004***.

The State is seeking to have the study and the environmental document completed by the end of 2006, please consider the following comments that are provided based on information that has been provided within the 11-page "Notice of Preparation" published by your agency.

There are a number of proposed "Alternatives" that are identified in the NOP that apparently may have been studied by certain State agencies and possibly other federal and affected wildlife agencies but which the Planning/Building staff of Imperial County have not been provided a copy or an opportunity to review and provide input at this time (see below).

(1) CEQA, Section 15206, Projects of Statewide, Regional, or Areawide Significance:

There is the potential for a substantial impact and affect on sensitive wildlife habitats when the State implements the Programmatic EIR and mitigation measures, e.g. affects on riparian lands, estuaries, marshes and the existing habitat for endangered, rare and threatened species around the Salton Sea. CEQA, Section 15220, also states that "...NEPA also applies to projects which are carried out, financed, or approved in whole or in part by federal agencies..." (emphasis added).

(a) The NOP, **FEDERAL AND STATE INVOLVEMENT**, page 2, discusses how Congress and federal agencies have been involved in passing legislation in 1992 and 1998 and being involved within the Salton Sea Authority, and in the future will be involved in the preparation of the ecosystem restoration study and the programmatic environmental document (emphasis added).

(b) The NOP, **ACTIONS BY OTHERS**, page 4, states that there will be the "...preparation of a federal Habitat Conservation Plan..." and mitigation measures are to be incorporated into this plan, e.g. "...water transfers will include actions to benefit selected species within the Salton Sea and lower Colorado River ecosystems..." (emphasis added).

(c) The NOP, **PROJECT AREA**, page 5, discusses the restoration program area and includes the "...Colorado River Delta in Mexico...the State of California could not implement such actions without the participation of the federal government and without working through the International Boundary and Water Commission..." (emphasis added). Also, there is a discussion of the "Mexicali Wastewater System Improvements" for the collection and treatment of wastewater in Mexicali. However, within this paragraph it does not mention the fact that the existing and possible future natural gas power plants that have been constructed west of Mexicali and future proposed power plants, are seeking to utilize New River waters within their power plant processes which may further reduce New River flows into the Salton Sea. This scenario should be addressed in the State's Draft Programmatic EIR.

(d) The NOP, **International Impacts**, page 8, indicates that there may be indirect impacts on resources in Mexico and that mitigation measures will be developed to reduce potential effects (emphasis added).

As you are aware, there are both U.S. Bureau of Land Management (BLM) managed lands in and near the Salton Sea and also a federally-funded National Wildlife Refuge that is contiguous to the Salton Sea and these agencies must be fully advised and involved in the preparation of any environmental document that could potentially impact their managed lands.

To conclude, ***why is this not a joint CEQA/NEPA document?*** Please clarify in the Draft Programmatic EIR why a joint state/federal document is not being prepared since the Republic of Mexico and Colorado River Delta may be impacted and federal agencies and monies are involved.

(2) Probable Environmental Impacts of Restoring the Salton Sea:

The NOP, **PROBABLE ENVIRONMENTAL IMPACTS**, pages 6 through 9, discusses various potential impacts associated with implementing the alternatives or concepts that are found within "Appendix G of the CEQA Guidelines..."

However, in the State's environmental analysis, there is no discussion of "Population and Housing" impacts that may occur with the restoration of the Salton Sea. With the restoration of the Salton Sea and its ecosystem, there is a very great potential for growth around the various townsites that surround the Salton Sea. For example, there may be substantial population grow in the areas such as Bombay Beach/Hot Mineral Spa area, the Niland/Calipatria area, the Westmorland area, and in the West Shores communities of Salton City, Vista Del Mar, Salton Sea Beach and the Desert Shores areas.

If this restoration were to happen, then the Urban and Community Area Plans for these areas would need to be reviewed and amended due to the implementation of the approved mitigation measures within the above State study and environmental document.

The resultant population growth and construction of new housing within the above-mentioned communities should be addressed in the Draft Programmatic EIR.

(3) Whole-Sea and Partial-Sea Restoration Alternatives:

(a) The NOP, page 3, states that "Whole-Sea restoration approaches would seek to restore and maintain the historical characteristics of the entire Sea..." What does "historical characteristics" mean for the Salton Sea within the Whole-Sea restoration approach? Does this mean that the existing Sea level is to be maintained and the salinity of the Sea to be maintained at its present existing level? This should be further clarified in the Draft Programmatic EIR.

The NOP, page 10, discusses the "Whole-Sea Restoration Approaches", and the first alternative bullet discusses "importing of lower-salinity ocean water salinity to the Sea..." This transfer of Gulf of California ocean water to the Salton Sea was analyzed a number of years ago by the Army Corps of Engineers and other affected federal and state agencies. There is a natural delta that has been formed over millions of years between the Gulf of California and the Pacific Ocean and the Salton Sea area. There is a danger that in building a "canal" through this delta, that in the event of a catastrophic earthquake and flood, that the Imperial Valley's agricultural lands may become inundated by ocean waters.

The second bullet within this section discusses the "...disposal of large quantities of salt residues near or within the Sea..." As discussed below, any substantial disposal of potentially hazardous materials would require involvement and review by Imperial County. There has been a discussion in the past regarding the potential for the generation of electrical generation from salt-laden Solar evaporation ponds by ORMAT. The potential for the use of this technology to develop an alternative energy source should be addressed in the Draft Programmatic EIR.

The third bullet discusses exporting Salton Sea water to and from the "Pacific Ocean or Palen Dry Lake..." The costs of constructing a pipeline, maintaining the pumps to do so, and the generation of sufficient electrical energy to pump the water to and from the Pacific Ocean or discharging Sea water to the Palen Dry Lake would be an economic drain on the State which due to the existing deficit could not be found feasible at this time.

The fourth bullet discusses importing water via Yuma, Arizona from a "...proposed Central Arizona Salinity Interceptor (CASI) project..." Why would Imperial County wish to import possible salt-laden waters from the CASI project to the Salton Sea? If it is to be water that would enhance water quality in the Sea, this should be clarified in the Draft Programmatic EIR. Since this is in a "...concept stage of development..." we can't comment without more information on this "concept".

The NOP, page 10, regarding the stabilization of the shoreline elevation discusses a number of alternatives for a "...on-land salt disposal facility..." In order to determine what County approvals and if any building permits may be required, the description and location of any "on-land disposal facility" should be fully explained in the Draft Programmatic EIR.

The NOP, page 11, states that the "Solar ponds...would be constructed a distance from the Sea..." If the proposed solar ponds are to be located on adjacent private lands some distance from the Sea, the Draft Programmatic EIR should identify the land ownership and

potentially where these solar ponds would be located to determine land use concerns for legal and physical access, sludge, humidity levels, future use of salt, new road construction and other related issues.

Also, on page 11, it discusses desalinization plants using vertical tube evaporation (VTE) technology "...to desalt Sea water near the Sea's south end. Desalinization could produce replacement water for the Sea or for sale to urban areas..." Please be advised that the County has received some information from CalEnergy, near its Unit I facilities, that this type of desalinization methodology is being reviewed by the Salton Sea Authority for possible use in providing replacement water to the Sea.

Please be advised that in the event that the VTE technology is to be utilized by CalEnergy in its Unit I power plant facility, the existing Conditional Use Permit would need to be amended to permit this type of desalinization operation.

The County's Conservation/Open Space Element, page 45, **Preservation of Water Resources**, "...Goal 8: The County will conserve, protect and enhance the water resources in the planning area..." and also states in Objective 8.2 "Maintain the salinity of the Salton Sea at 40,000 parts per million salinity and encourage the advantageous usage of the Salton Sea for agriculture and natural drainage, recreation, and development..." The Draft Programmatic EIR should address in both the whole-sea restoration and the partial-sea restoration efforts how the above County goal and objective is to be accomplished through appropriate mitigation measures.

If the County's goals and objectives are not met, then a significant adverse impact will occur. The PEIR should attempt to reconcile the PEIR's and County General Plan goals and its objectives.

(b) The NOP, page 4, states that "Partial-Sea approaches would entail extensive construction of features such as dikes or embankments, water conveyance and control infrastructure, and byproduct disposal areas..." On page 8, Hazards, it states that "Proposed actions may involve the disturbance or use of hazardous materials. The PEIR will evaluate the risk to the public of disturbance or use of hazardous materials..."

As you may be aware, Imperial County has the only hazardous waste site located in Southern California. Please be advised that in the event there is substantial grading, diking, construction of embankments, water conveyance features, or related activities, and a need for the disposal of potentially hazardous materials, the County must be kept fully advised of all "byproduct disposal" and any trucking and disposal into the existing hazardous waste facility may require an amendment to its existing County permits.

The possible disposal of hazardous materials as part of future Salton Sea restoration actions should be fully discussed in the Draft Programmatic EIR as is stated within the NOP.

(4) <u>Recreation and Biological Resource Impacts to the Salton Sea:</u>

The NOP, page 8, states that some alternatives may impact the recreational use of the Sea, e.g. "...recreational uses of the Sea such as boating and swimming could be affected..."

The Salton Sea has been categorized by various individuals and agencies as the best fishing grounds in the State of California. The NOP leaves "fishing" out of the recreational uses of the Salton Sea and any significant impacts to the water quality of the Sea and impacts on the fishery should be fully discussed in the Draft Programmatic EIR.

There has been some discussion in the past of diking of the southern part of the Salton Sea and saving the two delta areas of the New and Alamo Rivers for future spawning areas for the various fish populations that currently are found there.

In the event there are either phased restoration activities, or implementation of "alternatives", which substantially impact the existing fishery and fish populations, the Draft Programmatic EIR should clearly discuss them and the socio-economic impacts of saving the fishery or in the alternative, the deletion of significant numbers or types of fish within the existing fish population.

We look forward to working with the various affected agencies and decision-makers of all federal, state, Indian Tribes, residents of adjacent townsites near the Salton Sea as well as the Salton Sea Authority, in the proposed study and environmental document for the restoring and maintaining of the Salton Sea and its ecosystem.

If you have any questions on the above, please contact me at (760) 482-4236, extension 4310.

Sincerely,

JURG HEUBERGER, AICP, CEP
Planning Director

cc: Robertta Burns, County Executive Officer
Ralph Cordova, County Counsel
Joanne L. Yeager, Asst. County Counsel
Darrell Gardner, Asst. Planning Director
Tim Jones, Public Works Director
Stephen L. Birdsall, Ag. Comm/APCO
Mark Johnston, EHS/Health Department
Randy Rister, County Property Services
Jesse Silva, Imperial Irrigation District
Phil Gruenberg, Executive Director, RWQCB
Tom Kirk, Executive Officer, Salton Sea Authority
Daniel N. Schochet, Vice-President/ORMAT
Greg Thomsen, Manager, BLM/El Centro
Vincent Signorotti, Land Manager/CalEnergy
State Dept. of Water Resources File
State Dept. of Fish and Game File
10.105

H/DG/RC/JM/G:PlanningClerical/NOPforSaltonSeaRestoration2

IMPERIAL IRRIGATION DISTRICT

GENERAL MANAGER'S OFFICE • P. O. BOX 937 • IMPERIAL, CA 92251

March 31, 2004

Charles Keene, Chief
Water Management Branch
California Department of Water Resources
770 Fairmont Avenue, STE 102
Glendale, California 91203

Dear Chuck:

Pursuant to DWR's "Notice of Preparation of a Programmatic Environmental Impact Report for the Restoration of the Salton Sea Ecosystem and Preservation of its Fish and Wildlife Resources", the Imperial Irrigation District (IID) respectfully submits the following comments on the scope of the PEIR:

1. Order of Withdrawal 90, signed by President Calvin Coolidge on March 10, 1924, specifically set aside lands within the Salton Trough below elevation -220 as a repository for agricultural drainage water. This, the first federally designated use of the Salton Sea, must remain unchanged by any actions proposed in the PEIR.

2. Likewise, the PEIR must identify the impacts of any proposal that would limit the ability of irrigated agriculture in the Imperial and Coachella Valleys to discharge drainage waters into the Salton Sea, including any proposed changes in drain water quality standards. It is not appropriate that additional water quality standards and requirements be placed on irrigated agriculture for the purpose of facilitating a restoration plan without those requirements first being subjected to public review through the PEIR process. IID notes the absence of a representative from the Regional Water Quality Control Board on DWR's Salton Sea Advisory Committee.

3. The Department of Water Resources should prepare the proposed PEIR in consultation with the Salton Sea Authority, and the PEIR should consider and evaluate those restoration alternatives already identified, researched, and determined feasible by the Authority. Please note the attached IID Board Resolution 13 – 2003.

IID appreciates the opportunity to comment on this issue. Should you have any questions concerning our comments, please contact Mr. Elston Grubaugh at (760) 339-9222 or at ekgrubaugh@iid.com.

Sincerely,

JESSE P. SILVA
General Manager

TELEPHONE (760) 339-9477 • FAX (760) 339-9392
WEB SITE: www.iid.com

IMPERIAL IRRIGATION DISTRICT

RESOLUTION NO. 13-2003

SUPPORTING THE SALTON SEA AUTHORITY AS THE LOCAL LEAD AGENCY IN IDENTIFYING AND IMPLEMENTING CORRECTIVE MEASURES TO PRESERVE THE BENEFICIAL USES OF THE SALTON SEA

WHEREAS, Salton Sea is California's largest inland water body with beneficial uses including fisheries and wildlife habitat, recreation, and preservation of endangered species.

WHEREAS, the Salton Sea ecosystem is a critical link on the international Pacific flyway. The ecosystem has supported a productive fishery and over 300 species of birds.

WHEREAS, Salton Sea ecosystems are critical given the decrease in California wetlands.

WHEREAS, the Sea is threatened by increasing salinity and water loss.

WHEREAS, The Salton Sea Authority ("Authority") is a joint powers agency chartered by the State of California in a Joint Powers Agreement on June 2, 1993. It has been the local lead agency for identifying and implementing corrective measures to preserve the beneficial uses of the Sea.

WHEREAS, the Authority is comprised of Riverside County, Imperial County, Imperial Irrigation District, and the Coachella Valley Water District, with pending full membership by the Torres Martinez Desert Cahuilla Tribe. Its ex-officio members include the Southern California Association of Governments, the Imperial Valley Association of Governments, and the Coachella Valley Association of Governments. It has cooperative relationships with the Federal lead agency, the U.S. Bureau of Reclamation, and the United States Geological Survey Salton Sea Science Office, and the University of Redlands. It has worked closely on restoration efforts with the California Regional Water Quality Control Board, regional universities, the Salton Sea Environmental Coalition, and many state, federal and local agencies.

WHEREAS, the Authority has made a concerted effort to collect all known suggestions for remediation of the Salton Sea and has subjected these proposals to formal review against specified criteria. The Authority also is taking concrete steps in preparing for the detailed planning of a remediation project.

WHEREAS, recent State legislation linked to the Colorado River Quantification Settlement Agreement (QSA) recognizes the Salton Sea as a critical environmental issue to be addressed and provides up to $50 million in Proposition 50 funds and approximately $300 million from the sale of water that would otherwise flow to the Sea for that purpose; and

WHEREAS, in response to the recent state QSA legislation, the State of California is now undertaking a new Salton Sea Restoration process funded by Proposition 50 funds; and

.

WHEREAS, the Authority Board of Directors is on record of expressing concerns about the new State process potentially duplicating efforts, wasting resources, and taking too much time to reach a preferred project.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Salton Sea Authority should remain the local lead agency for identifying and implementing corrective measures to preserve beneficial uses of the Sea. Available funding be directed/redirected to the Salton Sea Authority for remediation efforts specifically related to the Salton Sea.
2. The Salton Sea Authority urges that the State not pursue a new restoration study process unilaterally and that the State join the Salton Sea Authority, the Bureau of Reclamation, the Salton Sea Science Office, regional universities and others in building on the work done to date.
3. The Salton Sea Authority requests that member agencies, ex-officio members of the Authority, cooperating partners and other interested parties adopt similar resolutions.
4. A copy of this resolution be provided to Governor Davis, the Schwarzenegger Administration, key state and federal legislators, and other interested parties.

IMPERIAL IRRIGATION DISTRICT

President

Secretary 10-30-03

IMPERIAL COUNTY FARM BUREAU

1000 Broadway, El Centro, CA 92243 • Tel: (760) 352-3831 • Fax: (760) 352-0232

STATEMENT BY THE IMPERIAL COUNTY FARM BUREAU
EIR Scoping Session on Restoration of the Salton Sea
March 17, 2003

1. The Salton Sea must remain designated as an Agricultural Sump for Imperial Valley farm lands.

2. There are benefits and drawbacks to attempting to restore the Salton Sea.

3. If the Salton Sea is restored, it should be accomplished using the most cost-effective method.

4. The 1.6 MAF for Salton Sea mitigation/restoration, which is worth over $300 million, should not have been taken from Imperial Valley's water assets. This low-income community is already contributing $54 million toward environmental mitigation under the QSA agreement.

5. Funds generated by the sale of Imperial Valley conserved water must be strictly targeted to the Salton Sea. None of these funds should be allocated to issues outside of the Imperial Valley, e.g., Colorado River delta restoration in Mexico.

6. Local entities should control the funds generated by the sale of Imperial Valley conserved water, due to their proximity to and experience with the Salton Sea.

7. The Imperial Valley is proceeding with the understanding, as stated in the QSA, of full indemnity from any and all environmental claims or costs associated with the Salton Sea that are beyond our current contractual obligations.

8. The Salton Sea must not be dried up or declared "dead" as a means to take further water from the Imperial Valley.

9. Salton Sea restoration efforts must not further hinder or dictate the Imperial Valley's own conservation and efficiency efforts.

10. Salton Sea restoration efforts should focus first on cleaning water and enhancing habitat in the streams, rivers, and canals that contribute to the Sea.

11. Consideration of Imperial Valley's Agricultural Resources must take into account the need for Imperial Valley farms to remain competitive in relation to other farming areas in the marketplace.

12. To address impacts to the Salton Sea, outside agencies (e.g., CA SWRCB) required Imperial Valley farmers and landowners to fallow farm ground instead of the planned implementation of additional on-farm water conservation to produce water for transfer. The Imperial Valley, therefore, should not be held responsible for any negative air quality impacts that may result from that fallowing.

MWD
METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

Executive Office

April 16, 2004

Mr. Charles Keene
California Department of Water Resources
770 Fairmont Avenue
Glendale, California 91203

Dear Mr. Keene:

Notice of Preparation of a Programmatic Environmental Impact Report for the
Restoration of the Salton Sea Ecosystem and Preservation of Its Fish and Wildlife Resources

The Metropolitan Water District of Southern California (Metropolitan) has reviewed a copy of the Notice of Preparation (NOP) of a Programmatic Environmental Impact Report (PEIR) for the Restoration of the Salton Sea Ecosystem and Preservation of Its Fish and Wildlife Resources. The California Department of Fish and Game (DFG) and Department of Water Resources (DWR) are acting as co-lead agencies under the California Environmental Quality Act for the purposes of preparing the PEIR. The objectives of the program are as follows: (1) restoration of long-term stable aquatic and shoreline habitat for the historic levels and diversity of fish and wildlife that depend on the Salton Sea; (2) elimination of air quality impacts from the restoration projects; and (3) protection of water quality. Metropolitan offers the following comments in response to the NOP.

State Legislation

Metropolitan understands that issuance of the NOP is in pursuit of the restoration study the Secretary of the Resources Agency (Secretary) is conducting pursuant to Legislative direction. Portions of this direction were discussed in the NOP. Metropolitan believes it is important that the Secretary ensure that DWR and DFG limit the scope of the restoration study to the boundaries set by the Legislature. Pertinent Legislative language is compiled herein as follows:

From §2931(a) of Fish and Game Code:

> "It is the intent of the Legislature that the State of California undertake the restoration of the Salton Sea ecosystem and the permanent protection of the wildlife dependent on that ecosystem."

From §2931(c) of Fish and Game Code:

> "The preferred alternative shall provide the maximum feasible attainment of the following objectives:
>
> "(1) Restoration of long-term stable aquatic and shoreline habitat for the historic levels and diversity of fish and wildlife that depend on the Salton Sea.
> "(2) Elimination of air quality impacts from the restoration projects.
> "(3) Protection of water quality."

From §2081.7(e)(2) of Fish and Game Code:

> "The restoration study shall establish all of the following:
>
> "(A) An evaluation of and suggested criteria for the selection of alternatives that will allow for consideration of a range of alternatives including, but not limited to, an alternative designed to sustain avian biodiversity at the Salton Sea, but not maintain elevation for the whole sea, an alternative to maintain salinity at or below current conditions and elevation near 230 feet below mean sea level under a variety of inflow conditions, and a most cost-effective technical alternative.
> "(B) An evaluation of the magnitude and practicability of costs of construction, operation, and maintenance of each alternative evaluated.
> "(C) A recommended plan for the use or transfer of water provided by paragraph (2) of subdivision (c). No water may be transferred pursuant to that subdivision unless the secretary finds that transfer is consistent with the preferred alternative for Salton Sea restoration.
> "(D) The selection of a preferred alternative consistent with Section 2931, including a proposed funding plan to implement the preferred alternative."

Federal Legislation

In the second paragraph under "Federal and State Involvement" on page 2 of the NOP, the Congressional direction given to the Secretary of the Interior under §101(b)(1)(A) of the Salton Sea Reclamation Act of 1998 (Public law 105-372) was paraphrased. Metropolitan staff believes that the paraphrased language omits certain Congressional directions and misrepresents other directions. The actual text from Public Law 105-372 reads as follows:

> "The Secretary shall complete all studies, including, but not limited to environmental and other reviews, of the feasibility and benefit-cost of various options that permit the continued use of the Salton Sea as a reservoir for irrigation drainage and: (i) reduce and stabilize the overall salinity of the Salton Sea; (ii) stabilize the surface elevation of the Salton Sea; (iii) reclaim, in the long term, healthy fish and wildlife resources and their habitats; and (iv) enhance the potential for recreational uses and economic development of the Salton Sea."

In addition to the accommodation for irrigation drainage, direction under items (i) and (ii) were omitted from the description in the NOP. With respect to item (iii), rather than "avoid further deterioration of the internationally significant habitat and wildlife values" as stated in the NOP, the Congressional direction was to "reclaim, in the long term, healthy fish and wildlife resources and their habitats…" With respect to item (iv), rather than "to protect the wide array of economic and social values that exist in the immediate vicinity of the Sea" as stated in the NOP,

the Congressional direction was to "enhance the potential for recreational uses and economic development of the Salton Sea."

Although not stated in the NOP, §101(b)(2) and §101(b)(3) Public Law 105-372 confirmed limitations on the availability of Colorado River water for Salton Sea reclamation purposes.

These omissions in the NOP's description of Public Law 105-372 are identified here for informational purposes only. Metropolitan is confident that the DWR and DFG will scope the PEIR to appropriately reflect the boundaries set by the Legislature.

DWR's administration of potential transfers of Imperial Irrigation District (IID) conserved water to Metropolitan

Page 3 of the NOP states the following:

> "The legislation tasks DWR with purchasing up to 1.6 MAF of Colorado River water from IID and selling the water to MWD, under specified terms. Proceeds from sale of the water are to go to the Salton Sea Restoration Fund."

The above described transaction relates to the water IID would conserve for transfer to Metropolitan pursuant to 2081.7(c) of the Fish and Game Code, rather than "purchasing" Colorado River water from IID and "selling" the water to Metropolitan. However, DWR *administers* the transfer of the water to Metropolitan. Note that DWR has no authorization from the Secretary of the Interior to receive Colorado River water.

Period in which the Interim Surplus Guidelines will be in effect

The last paragraph on page 2 includes the following sentence,

> "The QSA and more than 30 related agreements cover intrastate management of Colorado River water, allow California to have access to special surplus water for a 15-year period, and provide for specified water transfers." [underline added for emphasis]

It should be noted that the underlined text refers to the Interim Surplus Guidelines, and that those guidelines terminate at the end of calendar year 2016.

Current salinity of the Salton Sea

Within the "Background" discussion of the NOP, the last sentence of the first paragraph states that the Sea's current salinity is about 44,000 milligrams per liter (mg/L). This current estimated salinity appears to be based on old data. The recent trend of declining Sea elevation implies an acceleration of the rate at which salinity is increasing. Enclosed with this letter is a summary of

salinity data from 1995 through 2003 Metropolitan has received from IID. This data indicates that the present salinity of the Salton Sea is approximately 48,000 mg/L.

Salinity of the Salton Sea will be a principal consideration of a Salton Sea restoration alternative. It would be appropriate to have water samples collected from the Sea and analyzed in the laboratory for total dissolved solids and other individual constituents to confirm the current Salton Sea salinity level and serve as a baseline or background level.[1]

Selenium

Irrigation drainage discharging to the Salton Sea has elevated concentrations of dissolved selenium. Selenium levels in drainage water should be considered when developing feasible alternatives to be considered in the PEIR.

Use of the term "Mitigation"

During the scoping meetings attended by Metropolitan staff there appeared to be confusion over the term "mitigation" and how it applies to development of a preferred alternative for restoration of the Salton Sea. At times Salton Sea Restoration was described as mitigation for the transfers of conserved water from the Salton Sea basin under the QSA. This is not the case. Although no such statement was made in the NOP, the purposes of the Salton Sea Restoration study must be clearly explained in the PEIR. These purposes are outlined in the State legislation identified at the beginning of this letter.

Points of contact

Metropolitan Vice President, Dennis B. Underwood, is a member of the Salton Sea Restoration Advisory Committee assembled by the Secretary for the restoration study and, if necessary, is available to discuss the issues identified in this letter. John L. Scott of Metropolitan's Water Resource Management Group is assisting Mr. Underwood in this effort and is also available. Mr. Scott may be reached at (213) 217-7823.

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[1] Metropolitan suggests the protocols for such a sampling effort be patterned after those followed recently by the Bureau of Reclamation. See Holdren, G. Chris, Montaño, Andrew; 2002; "Chemical and physical characteristics of the Salton sea, California"; *Hydrobiologia*, Volume 473, pages 1-21

We appreciate the opportunity to provide input to your planning process and we look forward to receiving future documentation on this project. Please direct all future environmental documentation to my attention. If we can be of further assistance, please contact me at (213) 217-6242.

Very truly yours,

Laura J. Simonek

Laura J. Simonek
Manager, Environmental Planning Team

JAH/rdl
(Public Folders/EPU/Letters/16-APR-04A.doc – Charles Keene)

Enclosure

Salton Sea total dissolved solids (TDS) as measured by the Imperial Irrigation District
(parts per million)

Sample Date	Bertram Station	Desert Beach	Salton Sea Beach	Sandy Beach	Between Rivers	Average Without "Between Rivers"
10-May-95	40,546	40,012	41,057	40,626	42,585	
26-Oct-95	42,962	43,512	43,883	30,775	38,163	
1995 Average	41,754	41,762	42,470	35,701	40,374	40,422
25-Apr-96	40,628	41,713	42,332	42,386	38,889	
31-Oct-96	40,944	44,400	44,094	45,410	40,462	
1996 Average	40,786	43,057	43,213	43,898	39,676	42,739
21-Apr-97	40,515	42,057	43,359	43,742	36,353	
16-Oct-97	42,610	46,538	46,347	46,584	38,865	
1997 Average	41,563	44,298	44,853	45,163	37,609	43,969
06-May-98	42,872	43,226	42,956	43,214	31,710	
16-Nov-98	42,402	44,350	44,683	44,792	43,825	
1998 Average	42,637	43,788	43,820	44,003	37,768	43,562
05-May-99	42,978	43,167	43,176	43,547	31,995	
01-Nov-99	43,081	42,691	44,506	45,026	39,518	
1999 Average	43,030	42,929	43,841	44,287	35,757	43,522
11-May-00	43,972	44,361	44,332	----	38,212	
18-Nov-00	42,802	42,898	43,972	44,171	43,014	
2000 Average	43,387	43,630	44,152	44,171	40,613	43,835
18-May-01	45,509	37,615	38,272	45,342	39,254	
30-Nov-01	47,616	48,284	49,284	46,991	46,619	
2001 Average	46,563	42,950	43,778	46,167	42,937	44,865
11-Jun-02	41,610	42,236	43,364	45,938	45,111	
23-Oct-02	43,936	45,882	43,936	46,354	42,584	
2002 Average	42,773	44,059	43,650	46,146	43,848	44,157
18-Apr-03	45,744	47,382	49,954	47,042	44,165	
23-Oct-03	46,916	48,502	46,964	49,794	46,236	
2003 Average	46,330	47,942	48,459	48,418	45,201	47,787

SALTON SEA AUTHORITY

April 15, 2004

Charles Keene
California Department of Water Resources
770 Fairmont Avenue
Glendale, CA 91203

Re: ***Notice of Preparation of a Programmatic Environmental Impact Report for the Restoration of the Salton Sea Ecosystem and Preservation of its Fish and Wildlife Resources***

CHUCK

Dear Mr. Keene,

The Authority offers the following comments to the Notice of Preparation.

1. THE SALTON SEA AUTHORITY AND STATE SHOULD WORK AS CO-LEAD AGENCIES AND BE JOINTLY RESPONSIBLE FOR CEQA DOCUMENTS AND PROCESS AS WELL AS RESTORATION PLANNING DECISION MAKING

The Salton Sea Authority has been engaged in restoration planning for more than 10 years. Millions of dollars have been spent on background ecological studies and pilot projects. The Authority has held countless public meetings to receive local stakeholder input. In cooperation with the U.S. Department of Interior, Bureau of Reclamation, the Authority prepared the draft Salton Sea Restoration Project Environmental Impact Statement/Environmental Impact Report, with copious supporting studies. The Authority members have indicated a willingness to consider pledging hundreds of millions of dollars of tax revenues that will be generated by a restoration project to fund restoration efforts. The Authority is now poised to identify a preferred alternative.

It makes no sense for the State, at this point, to embark on a new, independent restoration planning effort. The State, Federal government and Authority should enter into agreements and structure a cooperative arrangement to avoid wasteful duplication of efforts, or worse, projects that operate at cross-purposes.

II. THE PROJECT DESCRIPTION NEEDS TO BE BROADENED TO INCLUDE COMPREHENSIVE ECOLOGICAL AND SOCIOECONOMIC RESTORATION GOALS

The NOP identifies the following project objectives: "(1) Restoration of long-term stable aquatic and shoreline habitat for the historic levels and diversity of fish and wildlife that depend on the Salton Sea; (2) Elimination of air quality

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impacts from the restoration project; and (3) Protection of water quality."

In comparison, the Authority and the Bureau of Reclamation, in the restoration DEIR, identified the following broader objectives:

1. Maintain the Sea as a repository of agricultural drainage;
2. Provide a safe, productive environment at the Sea for resident and migratory birds and endangered species;
3. Restore recreational uses at the Sea;
4. Maintain a viable sport fishery at the Sea; and
5. Enhance the Sea to provide economic development opportunities.

The Authority believes that these broader objectives should be included in the project description in order that the restoration process can achieve the full potential of ecological and socioeconomic values associated with the Salton Sea.

III. THE GOAL SHOULD BE TO PREPARE A PROJECT LEVEL EIR BY DECEMBER, 2006

The NOP states that the goal is to complete a programmatic environmental impact report by December, 2006. Such a goal would unnecessarily delay project implementation.

As noted above, extensive restoration planning and environmental analysis has already been completed. The Salton Sea Authority, in conjunction with the Bureau of Reclamation, in January 2002 produced a lengthy draft Salton Sea Restoration Project Environmental Impact Statement/Environmental Impact Report, with voluminous supporting documentation. There is no need at this point to re-invent that wheel.

Further, delay in implementing a restoration project will be costly, both in terms of damages to the living systems and to lost opportunities to capture potential revenue. Ecological systems are currently exhibiting considerable stress. Also, while restoration planning is ongoing, water is flowing into the Sea to maintain current levels that could be sold to pay for restoration efforts, if a project was underway. That potential revenue is lost if project implementation is delayed.

IV. THE RESTORATION EFFORTS SHOULD FOCUS ON THE SALTON SEA

The NOP indicates that the State's restoration efforts may focus on the Colorado River, rather than the Salton Sea. While the Sea is a part of the historic Colorado River Delta and some effort to study the Sea in the context that the broader Delta is appropriate, restoration funds generated from a water transfer whose impacts predominantly are in the Salton Sea water shed should be spent entirely or predominantly at and near the Salton Sea.

SALTON SEA
AUTHORITY

V. The Process Should Include Full Consideration of Any Recommended Restoration Project Identified by the Salton Sea Authority

As the State is aware, the Salton Sea Authority has been engaged for over one year in developing what may become a "preferred project". The Salton Sea Authority is at the end of a much longer and very arduous process of alternatives evaluation and consideration. The State, seemingly, is starting yet another alternatives evaluation process. Without taking the necessary policy and administrative to merge our efforts, disconnects between our two processes may continue. At the very least, the Salton Sea Authority requests that any project identified by the Authority as a potential preferred project be fully considered as an alternative, and perhaps preferred alternative, in the State's environmental documents. We strongly encourage the state to include a preferred alternative in its draft environmental documentation and not wait until a final EIR is prepared to do so.

VI. The Salton Sea Authority Should Continue to Provide Policy Direction and Decision Making and the State Salton Sea Advisory Should be Given Genuine Opportunities to Provide Advice and Guidance

The State effort, as envisioned by the NOP, does not indicate a role for the Salton Sea Authority. The Salton Sea Authority Board is comprised of local elected officials whose constituents have a direct stake in Salton Sea restoration. Local interests have been the driving force behind restoration efforts, and will be the primary beneficiaries of a successful project, or the primary victims of a failed effort. Local entities may be willing to commit hundreds of millions of dollars to the restoration effort. Their voice cannot be ignored in restoration planning. The Salton Sea Authority Board should continue to provide policy direction and decision-making, in partnership, with the Resources Agency and the federal government.

While related state legislation calls for the State to consult with the Salton Sea Authority on the study, the State has not done so. The Authority was not consulted in advance of the issuance of the Notice of Preparation (NOP), nor was it consulted in advance of the issuance of a request for qualifications (RFQ).

Equally as disturbing, the State appointed Advisory Committee was not consulted in advance of the issuance of the NOP and RFQ. The Salton Sea Authority is impressed with the breadth and depth of the participants on the Advisory Committee. Several members of the Advisory Committee also are involved directly or indirectly with Salton Sea Authority efforts. To-date, the Advisory Committee has been given no role in setting objectives, determining the scope of the study effort or providing guidance on any other substantive issue.

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SALTON SEA
AUTHORITY

VII. A Joint Work Program AND Management Structure Should be Implemented to Avoid Duplication and Waste

If implemented as currently planned, the state process would duplicate efforts already completed or in process by the Authority and the Bureau of Reclamation. Significant institutional resources, with years of restoration planning experiences are already in place and engaged in the restoration process:

A. The Salton Sea Science Office marshals independent, peer reviewed scientific effort;

B. The Salton Sea Authority conducts public outreach in the Salton Sea region, builds and operates pilot projects, and coordinates engineering and planning efforts;

C. The Bureau of Reclamation assists with Salton Sea/Colorado River hydrological modeling, structural engineering, and federal environmental compliance.

These institutions should be fully integrated with state resources to take advantage of the full range of experience and expertise already available for the restoration process.

V1II. Those Most Affected by Decisions and Actions Need A Voice

Public scoping meetings were held in Oakland, Sacramento, San Diego, El Centro and Coachella. While the Authority applauds your efforts to reach out to other areas of the State on what is increasingly recognized as a statewide and national asset, more meetings should be held closer to the Sea. No meetings were held to accommodate people who actually live along the Sea's shoreline. Again, a partnership with the Salton Sea Authority could help. The Salton Sea Authority has held over one hundred meetings near the Salton Sea and has spearheaded efforts to engage local people in decisions about the Salton Sea. Through a partnership with the State, we could bring our understanding of local concerns and politics to the table.

The Salton Sea Authority looks forward to working with the State of California to effectively, economically and efficiently implement a comprehensive Salton Sea Restoration Project.

Respectfully submitted,

Tom Kirk
Executive Director

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San Diego County Water Authority
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April 16, 2004

Mr. Charles Keene
California Department of Water Resources
770 Fairmont Avenue
Glendale, California 91203

Re: Notice of Preparation, Program EIR for Restoration of the Salton Sea Ecosystem and Preservation of Its Fish and Wildlife Resources

Dear Mr. Keene:

The San Diego County Water Authority (SDCWA) has reviewed the Notice of Preparation (NOP) for the above-referenced Project and submits the following comments for your review and consideration. As a party to the Quantification Settlement Agreement (QSA) and water transfer with the Imperial Irrigation District (IID) the SDCWA has direct interests in the Salton Sea restoration project planning process. Indeed, many of the mitigation measures adopted as part of the QSA approval process could contribute to the State's efforts. However, it is important to note that the State's Salton Sea restoration effort is much broader in scope and scale than encompassed in the QSA mitigation measures. As you know, the SDCWA is also a member of the Salton Sea Advisory Committee, and our agency is on record as supporting a reasonable and feasible Salton Sea restoration program.

The following comments detail key issues we believe you should address in the Program EIR.

1. Project Description / Goals and Objectives

The Project Description in the NOP is very broad and describes a planning process rather than a project, and no explicit discussion of goals and objectives. We understand that this is a Program level document on a State legislated mandate to prepare a Plan, and that no specific "restoration" actions have been detailed at this time. However, such limited information necessarily constrains our ability to comment on potential environmental effects. We appreciate your goal to conduct early scoping and issuance of this NOP; however, we suggest that you consider issuance of a second NOP to more effectively solicit input on the specific environmental issues pertaining to a preferred project and alternative restoration plans when a more detailed Project Description is available. Relative to the restoration project planning process, we do offer the following specific comments.

2. Definition of "Restoration"

The NOP Project Description (page 3) states that the goal is to "...*identify a preferred alternative*

for restoring the Salton Sea ecosystem and permanently protecting the fish and wildlife dependent on the ecosystem." (underlined emphasis added). The Program EIR therefore needs to develop a definition of the term "restoration" that would permit a meaningful understanding of what conditions would constitute success of the program, i.e., what will the Salton Sea be "restored" to?

If informed decisions are to be made on the basis of this Program EIR document, the distinction between this and other "restoration" programs is essential to understand. Further, examination and analysis of this difference will be a critical basis for development of goals and objectives, Program Alternatives, and for evaluating whether these goals and alternatives are realistic or feasible to attain. Despite the adoption of similar terminology, "restoration" of the Salton Sea will be unique relative to most other restoration programs nationwide which are designed to reconstruct self-perpetuating natural conditions in the systems in question (for example the California Bay-Delta Program; the Chesapeake Bay Restoration Program; or the Everglades Program).

If the Salton Sea were to be restored to natural functions and conditions, it would be allowed to become hyper-saline, and significantly diminish by evaporation, followed at long and intermittent intervals by reflooding with fresh water, with a repetition of the evaporative shrinking and transition to hyper-salinity. This natural system has been permanently modified regionally with flood control on the Colorado River preventing the meandering flood flow events of the geologic and historic past, and locally, with the introduction of irrigated agriculture in the Imperial and Coachella valleys, and the unique designation of the basin in both federal and State law as an agricultural drainage water repository.

In contrast to other restoration efforts, the goal of the Salton Sea restoration alternatives considered to date has apparently been to create a static condition which resembles a stage in its transition that last occurred in the 1960s and early 1970s. The previous federal planning effort, for example, included a goal to maintain a "sport fishery" composed entirely of exotic fish species introduced by the California Department of Fish and Game in the 1950s. To accomplish that goal, engineered evaporation systems and dikes were proposed to be put in place and maintained in perpetuity to prevent the natural transition of the Sea to hyper-saline conditions. Other restoration projects are now being proposed, with varying concepts of what "restoration" means. It is not our purpose here to advocate a particular end result of the Salton Sea restoration efforts. However, it is important to understand that at this late date there is no consensus as to the desired result, and until we know the desired result we cannot devise the means to get there.

3. Definition of "Environmental Baseline"

The environmental baseline, or setting, is commonly established as a snapshot of existing conditions on the date the NOP is issued. It is important to clarify for this Program EIR analysis

that the existing condition of the Salton Sea includes an artificially maintained water body, designated as an agricultural drainage repository in both State and federal law, and subject to a long term trend of increasing salinity with fluctuating inflow volumes and shoreline positions. In other words, the traditional definition of baseline may not be appropriate for a system that is constantly changing. Baseline environmental setting descriptions of the Salton Sea basin will need to recognize that the Sea is a dynamic and fluctuating system that has naturally become hyper-saline in the past, including a description of the ecological changes that occur in response to both naturally occurring and induced water quality and quantity changes.

It should be considered that current conditions are consistent with known historic patterns of increasing salinity and radical ecological change, except that flood flows are now prevented from periodically refreshing the Sea, and water levels are sustained on a regular basis by agricultural drainage water. The hydrologic and biologic history of the Salton Sea region is well understood.

The natural pattern of progressive hyper-salinity will not be conducive to supporting the same species assemblages that are now present. If the preferred plan is to "restore" the Sea in a manner that continues to support all species currently present, then the Program EIR should state to decision-makers that the actions contemplated are to "restore" the Sea to an artificial and engineered state of equilibrium that would not be maintained under natural conditions.

4. Point of Clarification: Source of Reduced Inflow

Page 2 of the NOP, last paragraph, contains a statement that "*QSA water transfers – from IID to SDCWA and to CVWD – will reduce the inflows of agricultural runoff that constitute the Sea's chief source of fresh water.*" This statement is technically incorrect. Agricultural water conservation practices will be employed to reduce the volume of irrigation water needed to produce crops within IID. The water conserved will be available for transfer to other users. Therefore, it is the act of agricultural water conservation – replacing low efficiency irrigation practices with high efficiency methods – that may reduce drainage to the Salton Sea below current levels. It is important to note that such conservation methods could be employed even in the absence of the QSA water transfer.

We recognize that the federal Salton Sea Reclamation Act of 1998 and other federal initiatives will not govern the State's program, but suggest that you consider a restoration program that is consistent with federal objectives as well. Undoubtedly in the future, some measure of federal approval and financial support will be sought.

5. Hydrologic Assumptions for Restoration Planning

Significant hydrologic modeling of the Salton Sea has been undertaken in recent years to support impact assessments conducted for the stalled federal Salton Sea Restoration Program and for the

IID Water Transfer EIS/EIR. Obviously this Program EIR will first need to establish the physical conditions that restoration actions must respond to. We understand that there may be a strong inclination to rely heavily on the draft EIS/EIR prepared by the Bureau for the Salton Sea Restoration Program, and the EIR/EIS for the IID Water Transfer and Habitat Conservation Plan. Because the current Project scope differs from these prior efforts, DWR and CDFG should carefully examine the inputs and underlying assumptions used in the hydrologic modeling that supported those earlier analyses before relying upon their output as a basis to define effects and develop restoration plans in this Program EIR.

The IID lands draining to the Salton Sea involve a unique water use setting. Records of total annual diversions at Imperial Dam show a range from as low as about 2.6 MAF, up to a maximum of about 3.3 MAF, a historical variation of up to 700,000 acre-feet. Water use has varied significantly in past years in response to weather conditions, crop selection, multi-seasonal cropping, and other economic factors. Using a simple average water use figure of 2.77 MAF as the sole basis of analysis may underestimate past and future variability of actual hydrologic and related ecologic conditions.

6. Actions by Others

Page 4 of the NOP, first paragraph, states that actions taken by other parties could influence design of ecosystem restoration alternatives or affect implementation of potential alternatives. Included in this list of possible actions are mitigation measures being undertaken as part of the approved QSA water transfers. It is important to clarify that the mitigation measures adopted as part of QSA approval to address impacts in and around the Salton Sea will provide benefits to a variety of species inhabiting the Imperial and Coachella Valleys and along the Colorado River regardless of the eventually selected Salton Sea restoration alternative.

The NOP also states that SDCWA, IID, and CVWD intend to obtain take authorization for the QSA water transfers through preparation of a federal Habitat Conservation Plan and State Natural Communities Conservation Plan. In that context, please acknowledge that endangered species compliance and incidental take authorizations for the QSA water transfers has been obtained through the federal Section 7 and State 2081 Endangered Species Act processes. The QSA parties have agreed to pursue approval of a future federal Habitat Conservation Plan and State Natural Communities Conservation Plan to better address the long-term needs of the transfer program.

Conclusion

We appreciate this opportunity to review and comment on the NOP. We firmly believe that a full disclosure analysis – including thorough examination and development of a specific Project Description as well as Program Goals and Objectives, and use of clearly stated assumptions to

guide selection of Program Alternatives is needed to provide accurate and meaningful guidance to decision-makers in selecting an appropriate course for long-term environmental management of the Salton Sea.

Sincerely,

Laurence J. Purcell
Water Resources Manager

South Coast
Air Quality Management District
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April 20, 2004

Mr. Charles Keene
California Dept. of Water Resources
770 Fairmont Avenue
Glendale, CA 91203

Dear Mr. Keene:

Notice of Preparation of a Programmatic Environmental Impact Report for Salton Sea Ecosystem and Preservation Project

The South Coast Air Quality Management District (SCAQMD) appreciates the opportunity to comment on the above-mentioned document. The SCAQMD's comments are recommendations regarding the analysis of potential air quality impacts from the proposed project that should be included in the Draft Environmental Impact Report (EIR). The SCAQMD previously submitted comments on the Salton Sea Restoration project Draft Environmental Impact Statement/Report EIS/DEIR) (see attached May 5, 2000 and April 26, 2002 letters). Those comment letters are incorporated herein by reference.

Air Quality Analysis

The SCAQMD adopted its California Environmental Quality Act (CEQA) Air Quality Handbook in 1993 to assist other public agencies with the preparation of air quality analyses. The SCAQMD recommends that the Lead Agency use this Handbook as guidance when preparing its air quality analysis. Copies of the Handbook are available from the SCAQMD's Subscription Services Department by calling (909) 396-3720. Alternatively, lead agency may wish to consider using the California Air Resources Board (CARB) approved URBEMIS 2002 Model. This model is available on the CARB Website at: www.arb.ca.gov.

The Lead Agency should identify any potential adverse air quality impacts that could occur from all phases of the project and all air pollutant sources related to the project. Air quality impacts from both construction and operations should be calculated. Construction-related air quality impacts typically include, but are not limited to, emissions from the use of heavy-duty equipment from grading, earth-loading/unloading, paving, architectural coatings, off-road mobile sources (e.g., heavy-duty construction equipment) and on-road mobile sources (e.g., construction worker vehicle trips, material transport trips). Operation-related air quality impacts may include, but are not limited to, emissions from stationary sources (e.g., boilers), area sources (e.g., solvents and coatings), and vehicular trips (e.g., on- and off-road tailpipe emissions and entrained dust). As noted in previous comments on the Salton Sea Restoration Project Draft Environmental Impact Statement/Report (see May 5, 2000 comment letter attached), the proposed project has the potential to reduce the water level of the Salton Sea, thus, exposing substantial

areas of new shoreline. The SCAQMD requests that potential PM10 fugitive dust emissions be comprehensively and quantitatively evaluated. Further, pursuant to the SCAQMD's April 26, 2002 comment letter (attached), the SCAQMD recommends that the Draft Program Environmental Impact Report include recommendations made at the April 2002 Salton Sea Science Office Workshop to include studies on portable wind tunnel and salt mineralogy and baseline air quality and meteorology monitoring. Finally, air quality impacts from indirect sources, that is, sources that generate or attract vehicular trips should be included in the analysis. An analysis of all toxic air contaminant impacts due to the decommissioning or use of equipment potentially generating such air pollutants should also be included.

Mitigation Measures

In the event that the project generates significant adverse air quality impacts, CEQA requires that all feasible mitigation measures be utilized during project construction and operation to minimize or eliminate significant adverse air quality impacts. Because the proposed project has the potential to generate substantial quantities of fugitive dust (PM10) a thorough and comprehensive dust control plan should be included in the Program Environmental Impact Report. To assist the Lead Agency with identifying possible mitigation measures for the project, please refer to Chapter 11 of the SCAQMD CEQA Air Quality Handbook for sample air quality mitigation measures. Additionally, SCAQMD's Rule 403 – Fugitive Dust, and the Implementation Handbook contain numerous measures for controlling construction-related emissions that should be considered for use as CEQA mitigation if not otherwise required. After implementing best available control measures (BACMs) pursuant to SCAQMD Rules 403 and 403.1 if substantial PM10 emissions remain, the lead agency should identify additional measures beyond those BACMs required by SCAQMD Rules 403 and 403.1. Pursuant to state CEQA Guidelines §15126.4 (a)(1)(D), any impacts resulting from mitigation measures must also be discussed.

Data Sources

SCAQMD rules and relevant air quality reports and data are available by calling the SCAQMD's Public Information Center at (909) 396-2039. Much of the information available through the Public Information Center is also available via the SCAQMD's World Wide Web Homepage (http://www.aqmd.gov).

The SCAQMD is willing to work with the Lead Agency to ensure that project-related emissions are accurately identified, categorized, and evaluated. Please call Charles Blankson, Ph.D., Air Quality Specialist, CEQA Section, at (909) 396-3304 if you have any questions regarding this letter.

Sincerely,

Steve Smith

Steve Smith, Ph.D.
Program Supervisor, CEQA Section
Planning, Rule Development and Area Sources

SS:CB:li

RVC040415-11LI
Control Number

State Water Resources Control Board

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Terry Tamminen
Secretary for Environmental Protection

Arnold Schwarzenegger
Governor

April 16, 2004

Mr. Charles Keene
Department of Water Resources
770 Fairmont Avenue
Glendale, CA 91203

SUBJECT: NOTICE OF PREPARATION OF A PROGRAMMATIC ENVIRONMENTAL IMPACT REPORT (PEIR) FOR THE RESTORATION OF THE SALTON SEA ECOSYSTEM AND PRESERVATION OF ITS FISH AND WILDLIFE RESOURCES

Dear Mr. Keene:

We have reviewed the above-referenced document and offer the following comments for your consideration. Comments that have been previously submitted by the Regional Water Quality Control Board by letter dated April 6, 2004, are included by reference. In addition, to these comments, we offer the following:

- The meaning of the Programmatic Environmental Impact Report (PEIR) Objective #1 must be clearly defined and understood by all. What are the definitions of "long term stable aquatic and shoreline habitat" for the "historic levels" and "diversity" of fish and wildlife that depend on the Salton Sea? These definitions are quite critical, and should be resolved before too much work is done related to the PEIR.

- Implementation of many of all PEIR alternatives may lead to conflicts with the Basin Plan for the Regional Water Quality Control Board, Colorado River Region, including the potential elimination of existing beneficial uses of the Salton Sea. Resolution of any conflicts with the Basin Plan must be given a high priority.

- Regarding the funding and location of potential mitigation projects in Mexico, extensive discussions with federal, state and local governmental agencies as well as non-governmental organizations and private property owners in Mexico will be necessary. Bi-national agreements must be developed to firmly guarantee the funding, implementation, and maintenance of such projects.

We appreciate your consideration of our comments. Please call me at 916 341 5615 if you would like to further discuss these comments or clarify our concerns.

Sincerely,

Celeste Cantú
Executive Director

cc: SWRCB Board Members

Phil Gruenburg, Executive Officer
Colorado River Basin Regional Water Quality Board

Ricardo Martinez
Senior Policy Advisor for Border Affairs
State Water Resources Control Board